

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE ENROLLED ACT No. 2111

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AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 35-46-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. (a) **Except as provided in subsection (b)**, a person who recklessly, knowingly, or intentionally exerts unauthorized use of the personal services or the property of:

- (1) an endangered adult; or
- (2) a dependent eighteen (18) years of age or older;

for ~~one's~~ **the person's** own profit or advantage or for the profit or advantage of another **person** commits exploitation of a dependent or an endangered adult, a Class A misdemeanor.

(b) **The offense described in subsection (a) is a Class D felony if:**

- (1) **the fair market value of the personal services or property is more than ten thousand dollars (\$10,000); or**
- (2) **the endangered adult or dependent is at least sixty (60) years of age.**

(c) **Except as provided in subsection (d)**, a person who recklessly, knowingly, or intentionally deprives an endangered adult or a dependent of the proceeds of the endangered adult's or the dependent's benefits under the Social Security Act or other retirement program that the division of family and children or county office of family and children has budgeted for the endangered adult's or dependent's health care commits financial exploitation of an endangered adult or a

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dependent, a Class A misdemeanor.

**(d) The offense described in subsection (c) is a Class D felony if:**

- (1) the amount of the proceeds is more than ten thousand dollars (\$10,000); or**
- (2) the endangered adult or dependent is at least sixty (60) years of age.**

**(e) It is not a defense to an offense committed under subsection (b)(2) or (d)(2) that the accused person reasonably believed that the endangered adult or dependent was less than sixty (60) years of age at the time of the offense.**

**(f) It is a defense to an offense committed under subsection (a), (b), or (c) if the accused person:**

- (1) has been granted a durable power of attorney or has been appointed a legal guardian to manage the affairs of an endangered adult or a dependent; and**
- (2) was acting within the scope of the accused person's fiduciary responsibility.**

**SECTION 2. [EFFECTIVE JULY 1, 2001] IC 35-46-1-12, as amended by this act, applies only to crimes committed after June 30, 2001.**

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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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